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May 3, 2021

**VIA ECF**

Hon. Andre M. Espinosa, U.S.M.J.  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: *Howmedica Osteonics Corp. v. Howard, et al.*  
Case No. 19-cv-19254-SDW-LDW

Dear Judge Espinosa:

We represent defendants Brett Howard and Corey Petulla (collectively, “Defendants”) in the above-referenced action. Pursuant to the Court’s Order, dated April 20, 2021 (Dkt. No. 60), we are writing jointly with counsel for Plaintiff Howmedica Osteonics Corp. (“Plaintiff”) to provide the Court with a status update regarding discovery in this action, and to jointly request a short extension of the fact discovery period.

Since the February 8, 2021 telephonic status conference with the Court, the parties have been able to resolve disputes concerning the sufficiency of written discovery responses without Court intervention. In addition, Plaintiff has supplemented its document production, non-party Katherine Salcido has made her production of documents and submitted her supplemental response to Plaintiff’s non-party subpoena to her, and the parties have continued to gather and review additional documents for production.

As of today, the following discovery remains outstanding: (i) Defendants are currently in the process of conducting an ESI review of certain of Defendants’ text messages, and Defendants expect to make a production of documents sometime in the next few weeks; (ii) Plaintiff is also currently in the process of conducting an ESI review of certain of its employees text messages and Plaintiff expect to make a production of documents sometime in the next few weeks; (iii) non-party Alphatec Spine Inc. will begin searching for relevant and responsive materials after Plaintiff proposes search terms for such an ESI review (once those search terms are provided and agreed-upon, Alphatec expects that it can make a production of documents in two to three weeks); and (iv) upon completion of document discovery, the parties intend to conduct depositions.

As set forth above, while the parties have been able to complete some discovery, certain ESI discovery and the taking of depositions remains outstanding. In light of the discovery that remains to be completed, the parties respectfully request that the discovery deadline in this matter be extended by two months from May 31, 2021 until July 30, 2021. We also request that the deadline for filing dispositive motions be set for August 30, 2021.



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The parties look forward to discussing the foregoing with You Honor at the status conference on Thursday, May 6, 2021.

Respectfully submitted,

/s/ Christopher Collins

Christopher Collins

cc: All counsel of record (via ECF)